

AMENDED IN ASSEMBLY APRIL 16, 2002

AMENDED IN ASSEMBLY APRIL 2, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2219

Introduced by Assembly Member Keeley

February 20, 2002

An act to amend Section 114120 of, and to repeal Sections 114125 and 114130 of, the Health and Safety Code, relating to retail food establishments.

LEGISLATIVE COUNSEL'S DIGEST

AB 2219, as amended, Keeley. Retail food establishments.

The existing California Uniform Retail Food Facilities Law regulates sanitary standards in retail food establishments. It is a misdemeanor to violate any provision of, or regulation adopted pursuant to, these provisions.

Existing law requires each food establishment in a building for which construction commenced on or after July 1, 1984, with more than 20,000 square feet of floorspace, to provide at least one separate toilet facility for men and one separate toilet facility for women, in good repair, for patrons, guests, or invitees on property used in connection with, or in, that food establishment.

This bill would require any food establishment that provides space for the consumption of food on the premises in a building constructed on or after January 1, 2004, to provide clean toilet facilities, as specified. The bill would require any food establishment that provides space for the consumption of food on the premises in a building

constructed on or before July 1, 1984, to provide clean toilet facilities, as specified, unless the establishment ~~makes certain determinations and conspicuously prominently~~ posts a sign stating ~~the reasons for failing to provide~~ that toilet facilities are not provided.

Because the bill would impose new requirements on food establishments, a violation of which constitutes a crime, the bill would create a new crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares that there is*
2 *a public health need for food establishments to provide restroom*
3 *facilities to patrons, guests, and invitees. Access to restroom*
4 *facilities not only provides convenience to patrons, guests, and*
5 *invitees, but also provides them with toilet and hand washing*
6 *facilities to use prior to the consumption of food, which in turn,*
7 *decreases the spread of infectious disease.*

8 SEC. 2. Section 114120 of the Health and Safety Code is
9 amended to read:

10 114120. (a) (1) For any building that is constructed on or
11 after July 1, 1984, but before January 1, 2004, toilet facilities, in
12 good repair, shall be provided for patrons, guests, or invitees on
13 property used in connection with, or in, each food establishment
14 with more than 20,000 square feet of floor space.

15 (2) For purposes of a building subject to paragraph (1), there
16 shall be at least one separate toilet facility for men and one separate
17 toilet facility for women.

18 (b) (1) For any building that is constructed on or after January
19 1, 2004, clean toilet facilities, in good repair shall be provided for
20 patrons, guests, or invitees on property used in connection with, or
21 in, each food establishment that provides space for the
22 consumption of food on the premises.



(2) A building subject to paragraph (1) that has a food establishment with more than 20,000 square feet of floor space shall provide at least one separate toilet facility for men and one separate toilet facility for women.

(c) (1) Except as provided in subdivision (a), any building that is constructed before January 1, 2004, that has a food establishment that provides space for the consumption of food on the premises shall provide clean toilet facilities, in good repair, for patrons, guests, or invitees on property used in connection with, or in, the food establishment or comply with the requirements set forth in paragraph (2). To comply with the requirements of this paragraph it is not necessary to construct or add new toilet facilities.

(2) Toilet facilities shall be provided as specified in paragraph (1), or the food establishment shall ~~do both of the following:~~

~~(A) Make a determination that compliance with the requirement to provide toilet facilities would compromise the health, safety, or security of employees, patrons, guests, or invitees or would impose an undue burden on the food establishment.~~

~~(B) Prominently post a sign within the establishment in a public area stating the reason or reasons for failing to provide toilet facilities.~~ *prominently post a sign within the establishment in a public area stating that toilet facilities are not provided. A notice of warning shall be issued for the first violation of this posting requirement. Subsequent violations of this requirement shall be an infraction, which is punishable by a fine of not more than two hundred fifty dollars (\$250).*

(d) For the purposes of this section, the gas pump area of a service station that is maintained in conjunction with a food establishment shall not be considered as property used in connection with the food establishment or be considered in determining the square footage of floorspace of the food establishment.

(e) (1) Toilet rooms shall be separated by well-fitted, self-closing doors that prevent passage of flies, dust, or odors.

(2) Handwashing facilities, in good repair, shall be provided for patrons, guests, or invitees within or adjacent to toilet rooms provided pursuant to this section and shall be equipped with hot and cold running water. Handwashing detergent or soap and sanitary towels or hot air blowers shall be provided at

1 handwashing facilities in permanently installed dispensing
2 devices.

3 (f) Notwithstanding any other provision of law, *and except as*
4 *provided for in paragraph (2) of subdivision (c)*, a violation of this
5 section shall be an infraction, which is punishable by a fine not
6 exceeding two hundred fifty dollars (\$250).

7 (g) *Any city, county, or city and county may enact ordinances*
8 *that are more restrictive than the provisions of this section.*

9 ~~SEC. 2.—~~

10 ~~SEC. 3.~~ Section 114125 of the Health and Safety Code is
11 repealed.

12 ~~SEC. 3.—~~

13 ~~SEC. 4.~~ Section 114130 of the Health and Safety Code is
14 repealed.

15 ~~SEC. 2.—~~

16 ~~SEC. 5.~~ No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

